

HONORABLE ROBERT H. WHALEY

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHARLES J. POTTER,

Plaintiff,

vs.

CITY OF SPOKANE, COREY LYONS,
AND JAKE JENSEN,

Defendants.

NO. CV-11-281-RHW

AGREED PROTECTIVE ORDER

This matter having come before the Court on the stipulation of plaintiff and defendants for a protective order relating to matters of discovery in the above case, and the Court being fully advised, now, therefore,

IT IS HEREBY ORDERED that from the date of this Order all parties, attorneys and other people identified below, shall abide by the following conditions relating to certain documents in this case:

1 A. The term "confidential material" as used herein, shall mean the
2 following listed material, and shall include that portion of any responses to
3 Interrogatories of the parties, Requests for Production by the parties,
4 depositions of the parties, their agents, employees, and retained expert
5 witnesses and consultants, and depositions of any witness that relate to said
6 items:
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9 (1) The Spokane Police Department's Internal Affairs file that relates to
10 an investigation of Spokane Police Officers' conduct during an event or events
11 that relate to factual allegations made by the plaintiff in his complaint for
12 damages;
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14 (2) Personnel files of defendant employees; and
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16 (3) Medical records, medical bills, legal bills, jail records, and banking
17 and income information of Plaintiff.
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19 B. Confidential material shall hereafter be used solely by the parties
20 for the purpose of conducting this litigation and not for any other purpose
21 without order of the Court or written consent of the parties or their counsel.
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23 C. For the purpose of conducting this litigation, confidential material
24 may be used by and disclosed only to the following persons:
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26 (1) The attorneys working on this action on behalf of either party or
27 their employees;
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1 (2) The parties, their representatives and their employees with
2 knowledge of the matters that form the basis of this litigation;
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4 (3) Any person, including expert witnesses and consultants, who is
5 expressly retained by any attorney or party described in paragraphs (1) and (2)
6 above, to assist in the preparation of this action for trial, whether or not their
7 testimony is to be used at trial;
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9 (4) Witnesses having knowledge of the writings or documents and
10 matters disclosed therein; and
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12 (5) The Court.

13 D. Any person who makes disclosure of confidential material under
14 paragraph C of this Order shall advise each person to whom disclosure is
15 made concerning the terms of this Protective Order.
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17 E. The persons described in subparagraphs (1) through (5) of
18 Paragraph C above are enjoined from disclosing confidential materials or the
19 substance thereof to any other person except in conformance with this Order
20 and the laws relating to public disclosure.
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22 F. Neither this Stipulation nor anything contained herein shall prevent
23 or prejudice the right of any party to apply to the Court for an Order striking the
24 designation of confidentiality and removing documents, writings or information
25 from the restrictions contained in this Order. Any party may apply to the Court
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1 for an Order modifying this Order or imposing additional restrictions upon the
2 use of confidential material.

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4 G. Subject to further order of the Court, any confidential material
5 submitted or presented to or filed with the Court shall be filed in a sealed
6 envelope or other sealed container marked "Confidential" subject to Protective
7 Order, and with the name of the producing party, a statement that said
8 documents are sealed pursuant to this Order and that it is not to be opened or
9 the contents displayed or revealed except in conformity with further order of the
10 Court.
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13 H. Use during trial of any confidential material or information covered
14 by this Order shall be determined by the Federal Court Judge assigned to
15 preside over trial in this case and pretrial matters.
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18 I. At the conclusion of this matter all copies of any confidential
19 materials produced by the plaintiff shall be returned to the plaintiff's attorney
20 and all copies of any materials produced by the defendants shall be returned to
21 the attorneys for the defendants.
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23 J. Any disclosure beyond the above limitations shall require a written
24 agreement between the parties or their counsel, or in the event of no
25 agreement, further Order of the Court as described in Paragraph F.
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1 K. Violation of the terms of the Order may be deemed contempt of
2 court. Penalty for said contempt may include but not be limited to financial
3 terms, exclusion from evidence of the confidential material that was disclosed
4 in violation of the order, and/or the dismissal with prejudice of the offending
5 party's cause of action or defense, and/or any other term deemed appropriate
6 by the Court.
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9 DATED this 15th day of March, 2012.
10

11
12 s/Robert H. Whaley
13 JUDGE ROBERT H. WHALEY

14 Agreed to and presented by:

15 s/Rocco N. Treppiedi
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25 Agreed to:

26 PAUKERT & TROPPEMANN, PLLC
27 s/Breean L. Beggs – Approved electronically.
28 Breean L. Beggs, WSBA #20795
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AGREED PROTECTIVE ORDER - 5

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